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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joshua Teter #314407

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

see attached

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**Complaint for Violation of Civil
Rights**

(Prisoner Complaint)

Case No. 2:22-CV-01651-SAL-MGB

(to be filled in by the Clerk's Office)

Jury Trial: Yes No
(check one)

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NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Soshua Jeter #314407

All other names by which you have been known:

ID Number

314407

Current Institution

Broadriver Correctional Institute

Address

BRCI MLT 2050 B4460 Broadriver RdColumbia SC 29210**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Cleveland

Job or Title

Officer, Lieutenant

(if known)

Shield Number

SCDC

Employer

Same as above

Address

 Individual capacity Official capacity

Defendant No. 2

Name

Provost

Job or Title
(if known) Officer,

Shield Number

Employer SCDC

Address Same as above

Individual capacity Official capacity

Defendant No. 3

Name RAMP

Job or Title
(if known) Officer, LT.

Shield Number

Employer SCDC

Address Same as above

Individual capacity Official capacity

Defendant No. 4

Name Timmons

Job or Title
(if known) Officer

Shield Number

Employer SCDC

Address Same as above

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st, 4th, 5th, 8th, 14th

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All acting as officers for South
Carolina Dept Department of Corrections

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

Pretrial detainee
 Civilly committed detainee
 Immigration detainee

Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

See attached Complaint.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See attached Complaint

C. What date and approximate time did the events giving rise to your claim(s) occur?

See attached Complaint

D. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

See attached Complaint

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

ON 4-6-21 I WAS SEEN BY MEDICAL FOR OFFICERS ASSAULT
AND ME INJURIES TO THE HEAD WAS NOT ISSUED NO PAIN
MEDS.

ON 3-4-20 I WAS SEEN BY MEDICAL FOR OFFICER ASSAULT BY
OFIC. PREVOST PUNCH ME SEVERAL TIMES IN THE HEAD & NECK AREA
WRESTLED ME TO THE GROUND TRYING TO BREAK MY ARM WAS GIVEN NO
X-RAYS OR PAIN MEDS.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

MONETARY DAMAGES IN THE AMOUNT OF \$150,000 FOR PAIN & SUFFERING
PUNITIVE DAMAGES IN THE AMOUNT OF \$175,000 FOR PAIN & SUFFERING
AS WELL AS EMOTIONAL, MENTAL DISTRESS & LOSS OF PROPERTY
AM AWARDED ATTORNEY FEES. PLAINTIFF ASK THAT DAMAGES BE JOINTLY
AND SEVERALLY

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes
 No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Broadriver Correctional Inst. f.t.o.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes
 No
 Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes
 No
 Do not know

If yes, which claim(s)?

All

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes
 No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes
 No

E. If you did file a grievance:

1. Where did you file the grievance?

See Complaint & Exhibits

2. What did you claim in your grievance?

See Complaint and
Exhibits

3. What was the result, if any?

Denied Violations

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

No, grievance process is
completed.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Sce Exhibts

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes
 No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes
 No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____
Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes
 No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes
 No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) JOSHUA JETER
Defendant(s) MUSTER ET. AL

2. Court (if federal court, name the district; if state court, name the county and State)

UNITED STATES DISTRICT COURT 4TH DISTRICT

DISTRICT OF SOUTH CAROLINA

3. Docket or index number

2:19 cv 3343 - SAL

4. Name of Judge assigned to your case

HONORABLE SHERRI LYDON

5. Approximate date of filing lawsuit

05/25/19 10-3-18

6. Is the case still pending?

Yes
 No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5-18, 2022

Signature of Plaintiff Josh Jeter
Printed Name of Plaintiff JOSHUA JETER
Prison Identification # 314407
Prison Address 4460 BROAD RIVER RD
COLUMBIA S.C. 29210
City State Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____

Address _____

Telephone Number _____

E-mail Address _____

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

JOSHUA JETER # 314407,

PRO SE. PETITIONER

v.

)

)

)

COMPLAINT

CLEVELAND, OFC. PREVOST, DELK, RAMP, TIMMONS,

) 42 U.S.C.A 1983

ROMERO, SGT. CUNNINGHAM, A/W CARTER, WARDEN STEPHAN,

A/W PEEPLES, D/W COLLINS, A/W FREDRICK, JJ,

JT, CAPT JONES, SGT. DOUGLAS, COUNSEL SUBSTITUE

RICE, & MAJOR GREGG, LT. THOMAS

)

DEFENDANTS

JURISDICTION

FEDERAL COURTS HAVE JURISDICTION TO ENTERTAIN A 1983 CIVIL SUIT.

STATEMENT OF THE CLAIM

1. FIRST AMENDMENT RIGHT TO FILE GRIEVANCES AND PRISON RAPID ELIMINATION ACT CLAIM (PREA). UNDER THE PETITION FOR REDRESS CLAUSE

GRIEVANCE AND PREA CLAIMS ARE PROTECTED ^{JJ.} FROM RETALIATION, BY 1ST AND 14TH AMENDMENTS, PETITION AND EQUAL PROTECTIONS CLAUSE, 42 U.S.C.A. § 1997(d) AND 28 CFR § 115.67

2.) PREA IS A WAY TO REPORT SEXUAL ABUSE OF OFFICERS WITHOUT THE FEAR OF RETALIATION.

28 CFR § 115.67

• PREA STAFF ARE REQUIRED TO FOLLOW PROCEDURE, TO PROTECT PRISONERS FROM RETALIATION, HARRASSMENT, ABUSE WHEN THE REPORT OF SEXUAL ABUSE IS MADE § 115.51

- PROTECTION CAN BE BY SEPARATION, BY REMOVING THE ALLEGED STAFF FROM CONTACT OF PRISONER, TRANSFERS, HOUSING CHANGES, PERIODIC STATUS CHECKS

§ 115.67

(d) STATUS CHECKS TO MONITOR, ARE REQUIRED FOR 90 DAYS TO SEE CHANGES THAT SUGGEST RETALIATION, DISCIPLINARY REPORTS, HOUSING CHANGES

115.52. STAFF HAS 90 DAYS TO DECIDE THE OUTCOME OF THE CASE (4) A LATE DECISION TO BE A DENIAL AT FINAL LEVEL.

115.61. STAFF SHALL REPORT IMMEDIATELY KNOWLEDGE, SUSPICION, OR INFORMATION OF SEXUAL ABUSE/HARRASSMENT, RETALIATION, STAFF NEGLECT OR VIOLATION OF RESPONSIBILITIES CONTRIBUTED TO INCIDENT OR RETALIATION.

STAFF IS TO DOCUMENT ALL PHYSICAL AND TESTIMONIAL EVIDENCE, REASONING BEHIND CREDIBILITY ASSESSMENTS, INVESTIGATIVE FACTS, FINDINGS & RETAIN ALL REPORTS FIVE YEARS. ALL IS UNDER THE PREPONDERANCE OF EVIDENCE STANDARD.

• SEXUAL ABUSE MEANS: INTENTIONAL TOUCHING DIRECTLY OR THROUGH THE CLOTHES OF THE INMATE, UNRELATED TO OFFICIAL DUTIES, WITH THE INTENT ABUSE, AROUSE, OR GRATIFY SEXUAL DESIRES.

• VOYEURISM BY STAFF, IS THE INVASION OF PRIVACY BY PEERING AT INMATES WHILE USING THE TOILET OR REQUIRING INMATE TO EXPOSE HIS BUTTCKS OR GENITALS

A. PLAINTIFF'S CAUSE OF ACTION SET FORTH BELOW

- 1.) REPEATED HARRASSMENT BY OFFICERS OF SCDL
- 2.) TARGETED CELL AND BODY SEARCHES
- 3.) DAMAGE AND THEFT OF PROPERTY
- 4.) SEXUAL HARRASSMENT AND SEXUAL ABUSE/ASSAULT
- 5.) PHYSICAL ABUSE/ASSAULT
- 6.) THREATS, VERBAL ABUSE, EMOTIONAL ABUSE
- 7.) READING AND STEALING CONFIDENTIAL LEGAL MAIL

8.) DENIAL OF MEDICAL TREATMENT

9.) RETALIATION FOR REPORTING OFFICER'S

ACTION STARTED WITH PLAINTIFF BEING SEXUALLY AND PHYSICALLY ABUSED WHEN I QUESTIONED OFFICER'S ABOUT MY RIGHT NOT TO BE STRIP SEARCHED IN THE PRESENCE OF 6 OR MORE OFFICER'S. STANDARD PROCEDURE IS TWO (2) OFFICERS AT THE MOST. AND A CELL CAN BARRELY FIT 4 PEOPLE.

PLAINTIFF WAS THEN SEXUALLY ASSAULTED BY OFC. PREVOST WHEN HE SNATCHED PLAINTIFF'S BOXERS DOWN AND HIT HIS PENIS. NEXT PREVOST SLAMMED PLAINTIFF INTO THE CONCRETE WALL FACE FIRST, THEN GRABBED HIS ARM AND STARTED TWISTING IT TRYING TO POP IT OUT OF SOCKET OR BREAK IT.

RETALIATION FOR PERA AND GRIEVANCE, TIMELINE

AROUND JUNE 24TH 2019 LT. CLEVELAND, PREVOST, DELK, SANTOS, OFC. HAWKINS, & OFC. HALL ENTERED MY CELL IN THE MURRAY MENTAL HEALTH UNIT AT BROAD RIVER C.I. CELL 260. LT. CLEVELAND ORDERED ME TO STRIP. I ASKED IF SOME OF THE OFFICERS COULD STEP OUT CAUSE I DIDN'T FEEL COMFORTABLE STRIPPING SHOWING MY PENIS & ANUS TO 6 OFFICERS I WAS ALREADY DOWN TO MY BOXERS & NOT HOSTILE. AS I ASSERTED MY RIGHT TO BE FREE FROM CRUEL & UNUSUAL DEGRADING PUNISHMENT, LT. CLEVELAND AND DELK REPLIED "PRISONERS DON'T HAVE RIGHTS" AND AS I FURTHER PROTESTED OFC. PREVOST SMACKED HIS TEETH LIKE HE WAS TIRED OF HEARING ME TALK & REACHED DOWN QUICKLY AND PULLED MY BOXERS DOWN HITTING MY PENIS WITH HIS HAND. I ~~35~~ TOLD OFC. PREVOST MAN YOU VIOLATED MY RIGHTS AS I STOOD THERE NAKED & FULLY EXPOSED TO EVERYONE. OFC. PREVOST GRABBED ME THEN SLAM ME INTO THE WALL FACE 1ST & GRABBED MY ARM AND STARTED TWISTING IT TRYING TO POP IT OUTTA SOCKET OR POSSIBLY BREAK IT. OFC. PREVOST CONTINUED EVEN WHEN I SCREAMED ~~HE~~ ^{HE} WAS HURTING ME. OFC. PREVOST JUST LAUGHED AND APPLIED MORE PRESSURE. WHEN I WAS PLACED IN HANDCUFFS ALL THE OFC'S SHAKED MY CELL DOWN AND TOOK ALL MY CANTEEN \$300 WORTH AND BOOKS THEY DESTROYED MY CELL AND DAMAGED MY PROPERTY. NO CONTRABAND WAS FOUND NOR WAS I WRITTEN UP FOR FOOH.

I TALK TO D/W COLLINS WHO WAS THE WARDEN OVER THE MENTAL HEALTH DORM I WAS IN ABOUT THE OFC'S CONDUCT & PREA. D/W COLLINS TOLD ME THAT SHE WOULD NOTIFY PREA ABOUT THIS SITUATION. A DAY OR SO LATER SGT CUNNINGHAM CAME AND PULLED ME INTO THE SALLEY PORT AREA AND ASK DID I WANT TO FILE PREA ON THE OFC'S I TOLD HER YES AND SHE GAVE ME A REQUEST FORM TO WRITE WHAT HAPPENED DOWN. I DID AND NEVER HEARD ABOUT THE PREA CLAIM AGAIN

- 1) ON 8/13/19 CLEVELAND, PREVOST, DELK, & OTHER OFFICERS CAME TO MY CELL IN A AGGRESSIVE MANNER BURST THREW THE DOOR & ORDERED ME TO STRIP SEARCH I COMPLIED AND THE OFC'S STOLE ALL MY FOOD AGAIN & 200 WORTH, LEGAL MATERIALS, THROWING EVERYTHING ON THE FLOOR STOMPING AND DUMPING CONTENTS OF MY FOOD TRAYS & DRINK ON EVERYTHING IN A RETALIATORY FASHION. NO CONTRABAND WAS FOUND NOR WAS I WRITTEN UP FOR FOOD.
- 2) ON 8/16/19 I FILED A RTSM # 19-01346316 FOR RETALIATION ON OFC. PREVOST, CLEVELAND, AND DELK.
- 3) ON 8/15/19 I REQUESTED A TRANSFER ^{JS} TO ANOTHER PRISON BECAUSE I FELT I WAS BEING TARGETED & RETALIATED AGAINST. REPLY WAS: WAIT UNTIL ANNUAL REVIEW ON 9/16/19 ON OR AROUND 12-10-19 I WAS PLACED IN RHU FOR NO REASON NO CHARGE BUT FOR RETALIATION BY CLEVELAND, DELK, CHESTNUT, OFC. PREVOST. I WAS TARGETED AND I LOST ALL MY PERSONAL MAIL, LEGAL MAIL, LEGAL BOOKS, SHOES, CANTEEN, PERSONAL BOOKS,
- 4) ON 1/31/20 I WAS RELEASED FROM RHU AND WRITE RTSM ON 2/5/20 TO CHESTNUT ASKING FOR MY MISSING LEGAL MAIL, PERSONAL MAIL, T.V. BOOKS, HYGIENE & FOOD. CHESTNUT REPLIED ON 2/13/20 THIS ISSUE SHOULD HAVE BEEN RESOLVED WHICH IT WAS NOT.
- 5) ON 3/4/20 I WAS CELL SEARCHED AGAIN & STRIP SEARCHED BY CLEVELAND, PREVOST, SANTOS, & OTHERS AT 7:00 AM. THE ONLY CELL SEARCHED ON THE WHOLE WING. OFC. PREVOST ASSAULTED ME ON THIS DAY SLAMMING ME ALL ACROSS THE CELL & FLOOR RETALIATING BECAUSE OF THE PREA I INITIATED. CANTEEN WAS STOLEN \$300 WORTH, CELL WAS DESTROYED & PROPERTY STOLEN. WAS SEEN BY MEDICAL FOR ABUSE & CUTS, PAIN

6.) ON 3-7-20 I WROTE RTSM ABOUT THE 3-4-20 RETALIATION BY OFC. PREVOST, ASSAULT, DESTRUCTION AND THEFT OF PROPERTY. ~~JS~~

7.) ON 5-2-20 AT 3:00 A.M. I WAS AGAIN RETALIATED AGAINST BY CLEVELAND, DELK, HENDERSON, RAMP, & KEITH. CLEVELAND MADE ME STRIP & BEND OVER & COUGH TWO (2) TIMES MOCKING ME & ASSAULTING ME WITH HIS EYES, CLEVELAND ORDER THAT ALL MY FOOD BE TAKEN, MY RADIO WAS STOLEN, LEGAL MAIL WAS STOLEN & RECEIPTS.

8.) ON 5-4-20 I WROTE RTSM ABOUT THE 5-2-20 RETALIATION ON 8-6-20 REPLIED BY SHOW RECEIPTS I SHOWED RECEIPTS OF CANTEN WHICH WAS STILL NEVER RETURNED ~~JS~~

9.) ON 5-8-20 I FILED A GRIEVANCE ABOUT RETALIATION OF THE CONTRABAND TEAM AKA 5 MAN TEAM
10.) ON 5-14-20 REPLIED MY ISSUE IS NON-GRIEVABLE SIGNED BY B. WILLIAMS

11.) ON 7-1-20 I WAS CELL SEARCHED & STRIP SEARCHED BY OFC. PREVOST & CLEVELAND & OTHERS I WAS ASSAULTED BY PREVOST AS CLEVELAND WATCHED, CANTEN WAS STOLEN & CELL DESTROYED I WAS NOT CHARGED WITH ANYTHING.

12.) 7-14-20 I WROTE GRIEVANCE ABOUT THE RETALIATION ASSAULT BY PREVOST ON 7-1-20

13.) ON 8-10-20 I WROTE RTSM TO WARDEN STEPHAN & A/W PEOPLE BECAUSE WARDEN STEPHAN CAME TO MY CELL WITH CLEVELAND, DELK, RAMP, HENDERSON & ROMERO & SHOOK MY CELL DOWN FOR RETALIATION CLEVELAND TOOK MY SHOES I SHOWED ~~JS~~ WARDEN STEPHAN MY RECEIPT OF SHOE PASS. HE LET ME KEEP THEM ~~JS~~ 3 DAYS LATER DELK & OFC HENDERSON CAME TO MY CELL & SAID A/W PEOPLE AGAIN I WROTE MULTIPLE TIMES FOR THEM TO SEND MY SHOES HOME & THEY STILL NEVER DID IT AND I EVEN HAD MY MAM CALL & TALK TO SECRETARY OF WARDEN STEPHAN STILL TO NO AVAIL

14.) ON 8-19-20 I WROTE MAJOR CARTER ABOUT CANTEN RETURN BECAUSE I HAD PROVIDED RECEIPTS
I WAS STILL DENIED.

15.) ON 8-14-20 I GOT A REPLY TO GRIEVANCE ~~JS~~ ACKNOWLEDGED PREA CHAIN/ASSAULTS ON 3-3-20

16.) 7-1-20 RETALIATION, PREVOST ACTED IN MANNER OF ASSIGNED DUTY I HAVE FAILED TO SUBSTANTIATE MY ALLEGATION. B. WILLIAMS 9-

17.) 8-1-20 GRIEVANCE ABOUT 5-2-20 RETALIATION ASKED FOR PROPERTY BACK

18.) 9-11-20 I FILED GRIEVANCE

19.) 10-2-20 I WROTE RTSM ABOUT RETALIATION THE OFCs TOOK MY CANTEEN, RECEIPTS, & OTHER PROPERTY TO MAJOR CARTER. ON 12-19-20 ~~SS~~ Major Carter WROTE BACK & THE RECEIPTS WERE FAXED TO Major CARTER BY SGT. CUNNINGHAM

20.) ON 12-19-20 I WAS CELL & STRIP SEARCHED AGAIN BY CLEVELAND, ROMERO, PREVOST IN A RETALIATORY MANNER Cleveland Took MY CANTEEN \$ 350 WORTH, MY SHOES, MY SLOC TICKET & CHARGER & HE MADE SEVERAL REMARKS ABOUT ME FILING LAWSUITS AND GRIEVANCES SAYING HE NOT SCARED & KEPT ASKING WHO WAS MY ATTORNEY I HIRED. PREVOST STOLE MY WATCH & DESTROYED MY CELL

21.) ON 12-11-20 I WROTE RTSM ABOUT RETALIATION ON 12-9-20 BY CLEVELAND, PREVOST & ROMERO
REPLY: ON 12-15-20: DID NOT TAKE LEGAL BOX

22.) ON 12-17-20 I WROTE RTSM ABOUT RETALIATION DUE TO PREA & HOW CLEVELAND, PREVOST, ALWYNG STEAL MY PROPERTY & CANTEEN I AM IN FEAR OF MY LIFE TRANSFER ME.

23.) ON 12-20-20 I WROTE RTSM ABOUT PREVOST, CLEVELAND RETALIATION & THEY STOLE MY PROPERTY

24.) ON 1-9-21 I REFILED PREA BECAUSE I WAS BEING RETALIATED AGAINST SO MUCH I WANTED TO BRING PPL TO ATTENTION THAT OFC. PREVOST & CLEVELAND & DELLA HAD VIOLATED ME & WAS STILL RETALIATING ON ME

25.) 2-14-21 PREA FINALLY FILED I WAS INTERVIEWED BY LT. WARD WHO WAS OVER AREA AT BROAD RIVER AT THE TIME.

26.) ON 4-6-21 I WAS HAVING A NIGHTMARE ABOUT RETALIATION FROM THE INJUSTICES THAT I HAVE RECEIVED HERE AT BROAD RIVER & I WAS WOKEN BY BEING SLAMMED AT A FENCE ON THE YARD BY DELLA, RAMP, & TINMONS. I WAS TOOK UPFRONT IN A HOLDING CELL & WHILE I WAS IN HANDCUFFS OFC. RAMP & OFC TINMONS ASSAULTED ME HITTING ME IN THE HEAD WITH CLOSED FIST WHILE CALLING ME NIGGER. I WAS TAKEN TO MEDICAL RIGHT AFTERWARD & THEN PLACED IN RHU IN A STEEL CELL I WAS STRIP SEARCH 3 TIMES THAT DAY. LT. THOMAS HAD THE CAMERA.

27.) ON ~~SS~~ 4-7-21 CLEVELAND CAME TO RHU & STRIP SEARCH ME AGAIN & SHOCK CELL DOWN RETALIATING AGAINST ME

28) ON 4-14-21 I WAS RELEASED FROM RHU CAPT. JONES WALK ME TO THE VISITATION ROOM TO RELIEVE MY PROPERTY LT. CLEVELAND WAS WAITING WITH MY PROPERTY. CLEVELAND SHOWED THE PROPERTY FORM AT ME SAYING THAT'S ALL YOUR PROPERTY. I LOOKED INTO THE CART & IMMEDIATELY NOTIFIED HIM THAT'S NOT ALL MY PROPERTY. CLEVELAND SAID YES IT IS I INVENTORIED IT MYSELF. WHEN I GOT TO THE DORM I REALIZED THAT MY LEGAL WORK WAS STOLEN, FOOD MISSING FROM USELESS PERSONAL MAIL & OTHER PROPERTY

29) ON 4-15-21 I WROTE RTSM TO CONTRABAND ABOUT MY ~~PROPERTY~~ ^{LOSS} PROPERTY ON ~~5-11-21~~ ⁵⁻¹¹⁻²¹ SAYING HAVE TO GET WITH 5 MAN TEAM.

30) ON 4-17-21 I WROTE RTSM ASKING SECURITY TO SAVE VIDEO OF INCIDENT ON 4-6-21

31) ON 4-21-21 I WROTE GRIEVANCE ABOUT THE 4-6-21 INCIDENT BY TIMMERS & RAMP.

32) ON 4-27-21 I FILED GRIEVANCES ON BONUS CHARGES FROM RETALIATION

33) ON 5/14/21 I FILED GRIEVANCE ABOUT ~~55~~ CREATED UNUSUAL PUNISHMENT BY RAMP & TIMMERS

34) ON 6-3-21 FILED STEP 2 GRIEVANCE

35) ON 7-6-21 I WROTE GRIEVANCE ASKING GET FOR ANOTHER TRANSFER DUE TO RETALIATION
BY LT. CLEVELAND, OFC PREVOST, SGT ROMERO, OFC RAMP, OFC DOLK, OFC TIMMERS

36) ON 7-21-21 I FILED STEP 2 GRIEVANCE ABOUT THE 4-6-21 INCIDENT.

37. IN THE MONTH OF MAY ~~2022~~ ³⁵ I TALK TO A/W FREDERICK & MAJOR GREGG THEY BOTH DENIED THE OFC'S DID HIT ME AND DIDN'T TAKE IT SERIOUSLY.

STANDARD OF REVIEW

RETALIATION 1ST AMENDMENT CLAIM

- 1. SPEECH OR CONDUCT AT ISSUE WAS PROTECTED
- 2. THAT THE DEFENDANTS TOOK ADVERSE ACTION AGAINST THE PLAINTIFF, &
- 3. THAT THERE WAS A CAUSAL CONNECTION BETWEEN THE PROTECTED SPEECH AND THE ADVERSE ACTION
- 1ST AMENDMENT PROTECTS FROM RETALIATION FROM GRIEVANCES, RIGHT TO PETITION GUARANTEED BY 1ST AND 14TH AMENDMENT

SHORT TIME FRAME BETWEEN GRIEVANCES AND RETALIATORY ACTION, AND ALLEGATION BY DEFENDANTS INVOLVEMENT, SUFFICED TO SUPPORT A INFERENCE OF A RETALIATORY MOTIVE. PORTER V. NUSSLE, 534 U.S. 516, 122, S.Ct 983 (2002)

• EXCESSIVE FORCE IS MALICIOUSLY AND SADISTICALLY TO CAUSE HARM, PURPOSEFUL OR KNOWING CONDUCT

• UNDER SOUTH CAROLINA LAW, STATUE OF LIMITATIONS FOR PERSONAL INJURY IS 3 YEARS
15-3-5305

• THAT FOR CIVIL CONSPIRACY (1) TWO (2) OR MORE PERSONS FOR THE PURPOSE OF INJURING THE PLAINTIFF, AND (3) CAUSING PLAINTIFF SPECIAL DAMAGE VAUGHT V. WAITES 300.S.C. 201 347 S.E.2d 91 (1984)

• ADVERSE ACTION PRONG "THAT WOULD DETER A PERSON OF ORDINARY FIRMNESS FROM CONTINUING THE GRIEVANCE PROCESS.

RETALIATION TEST

1.) FILED PREA, RTSM, & GRIEVANCES AND ALL ARE PROTECTED BY 1ST AND 14TH AMENDMENT

2.) EVERY FILING WAS FOLLOWED BY DEFENDANTS ACTS OF ASSAULTS, ABUSE, HARRASSMENT, THEFT, STRIP SEARCHES, DAMAGE TO PROPERTY, & VIOLATIONS OF RIGHTS.

3. THE CONNECTION BETWEEN THE TWO(2) IS EVIDENCED BY THE TIMING OF ADVERSE ACTION IMMEDIATELY AFTER EACH FILING. THE NATURE OF THE ADVERSE ACTION ONLY AIMED AT PLAINTIFF, DEFENDANTS ONLY SEARCHED PLAINTIFF'S CELL, ACTIONS TO STEAL ALL LEGAL MATERIAL TO INCLUDE GRIEVANCES, RTSM, LEGAL BOOKS, IN ATTEMPT TO PREVENT FILINGS, THEFT OF TABLET AND CHARGER, SINCE TABLET IS A TOOL TO FILE GRIEVANCES, RTSM AND TO STUDY LAW OR CALL ATTORNEYS. THEFT OF RECEIPTS FOR CANTEEN TO PREVENT PLAINTIFF FROM HAVING PROOF OF PURCHASE FOR A WAY TO GET MY CANTEEN BACK. THEFT OF LEGAL BOOKS TO PREVENT LEGAL KNOWLEDGE TO PURSUE ACTIONS.